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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ZACHARIA, RAMSEY E

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 11/17/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

CL016

Office Action Summary

Application No.

09/819,821

Applicant(s)

ROGER, MICHEL

Examiner

Ramsey Zacharia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,12-20,22-29,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,12-20,22-29,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

2. Claim 1 is objected to because of the following informalities: the word "micron" is repeated on line 10 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1, 4, 5, and 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection. No support for the coating having a thickness of "at least a few tens of microns" could be found in the disclosure as originally filed. Note that the disclosure does support a coating having a thickness of a few tens of microns, but not a thickness of *at least* a few tens of microns (see page 5, lines 8-9).
4. Claims 6-10, 18, 20, 22-29, 32, and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

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possession of the claimed invention. This is a new matter rejection. No support for the coating having a thickness of "at least a few microns" could be found in the disclosure as originally filed. Note that the disclosure does support a coating having a thickness of a few tens of microns (see page 5, lines 8-9).

5. Claims 12 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection. No support for the coating having a thickness of "about 10 to 35 microns" could be found in the disclosure as originally filed. Note that the disclosure does support a coating having a thickness of between 10 and 35 microns, but not *about* 10 to 35 microns (see page 5, lines 8-9).

Claim Rejections - 35 USC § 102

6. Claims 1, 4-6, 20, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Washizu (U.S. Patent 4,800,109).

Washizu teaches a composite hose for use as a fuel line in automobiles (column 1, lines 5-17). The composite comprises an inner layer made of a synthetic resin, such as polytetrafluoroethylene (column 1, line 65-column 2, line 10). The composite further comprises another layer that may be a plastic or rubber (column 2, lines 11-22). An adhesive layer may be disposed between the inner and outer layers (column 2, lines 57-66). In the embodiment of

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Example 1, the inner layer is a polytetrafluoroethylene layer having a thickness of 500 μm , i.e. at least a few microns and at least a few tens of microns (column 3, lines 15-26).

7. Claims 1, 4, 6, 12, 18, 19, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Martucci (U.S. Patent 5,170,011).

Martucci teach a hose for conveying fuel (column 1, lines 5-17). The hose comprises an inner layer of a fluoropolymer such as polytetrafluoroethylene and has a thickness as low as 0.001 inches, i.e. 25 microns (column 2, lines 43-51). The outer layer comprises a polyamide, i.e. plastic (column 2, lines 66-68). The hose may be formed by etching a fluoropolymer tube followed by extruding a polyamide layer over the etched surface, resulting in a mechanical bond between the layers (column 4, lines 40-48).

Regarding claim 18, extrusion is a molding operation.

Claim Rejections - 35 USC § 103

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washizu (U.S. Patent 4,800,109) in view of Andre (U.S. Patent 5,799,704).

Washizu teaches all the limitations of claim 16, as outlined above, except for specifying that the rubber is nitrile PVC. However, Washizu does teach that chloroprene may be used as the rubber (see column 2, lines 37-41).

Andre is directed to pipes for conveying fuel in motor vehicles (column 1, lines 5-10). The pipe comprises an impermeable thermoplastic inner layer and a rubber outer layer (column

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1, line 63-column 2, line 6). Suitable rubbers for the outer layer include chloroprene and nitrile PVC (column 2, lines 20-32).

Andre shows that chloroprene and nitrile PVC are known in the art as equivalent materials for outer rubber layers in fuel hoses. Therefore, because these two materials were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute nitrile PVC for chloroprene in the hose of Washizu.

Therefore, the inventions of claim 16 would have been obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (703) 305-0503.

The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Ramsey Zacharia
Primary Examiner
Tech Center 1773